

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00327-MR-DLH**

TERRY BOYD McENTIRE,)
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MYRA JOHNSON, KIMBERLY)
GOLD, and ISOTHERMAL)
COMMUNITY COLLEGE,)
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ORDER

THIS MATTER is before the Court on the Defendants' Motion to Dismiss [Doc. 17] and the Magistrate Judge's Memorandum and Recommendation [Doc. 20] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On September 20, 2013, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law

in support of a recommendation regarding the Defendants' Motion. [Doc. 20]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendants' Motion to Dismiss should be granted.

ORDER

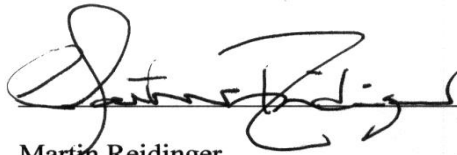
IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 20] is **ACCEPTED**, and the Defendants' Motion to Dismiss [Doc. 8] is **GRANTED** as follows:

- (1) The ADA claims, as asserted against Defendants Johnson and Gold, are **DISMISSED**; and
- (2) The intentional infliction of emotional distress claim asserted against all Defendants is **DISMISSED**.

- (3) This case shall proceed as to the Plaintiff's ADA claims against Defendant Isothermal Community College only.

IT IS SO ORDERED.

Signed: October 21, 2013


Martin Reidinger
United States District Judge

